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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,785	02/16/2001	Leon P. Janik	STAN/322/US	3391
2543	7590	03/18/2003	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			CECIL, TERRY K	
ART UNIT		PAPER NUMBER		
1723				
DATE MAILED: 03/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/785,785	Applicant(s) JANIK ET AL.
	Examiner Mr. Terry K. Cecil	Art Unit 1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 2-26-2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-28 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC ' 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Janik et al. (U.S. 5,484,527), hereinafter “Janik”. Janik discloses a method for manufacturing a base module for a filter cartridge wherein the base module has inlet and outlet fittings defining fluid passageways oriented at first and second angular positions relative to each other (in this case the fittings are 360° apart, as shown in figure 6) and including the steps of :

- providing a communication module having inlet and outlet fittings: custom member 18 includes fittings 27 and 33;
- providing a body adapted to receive and mate with said communication module in a plurality of angular orientations to said communication module: the locating ring 30 of generic member 20 can mate with the annular opening of custom member 18 in a plurality of angular orientations;
- mating said communication module to said body at an angular orientation selected from said plurality of angular orientations: once the specific angular orientation is selected the members are joined together with screws 40; and
- joining said communication module to said body: with e.g. screws 40 [as in claim 21].

Janik also discloses the following steps:

- providing inlet and outlet fittings that are integral to said communication module and have a fixed angular orientation thereto [as in claim 27]; and
- providing inlet and outlet fittings that are not coaxial with the axis of the communication module: fittings 27 and 33 are not coaxial with the axis defined by conduit 24 of member 18 [as in claim 28].

3. Claims 21 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Le Clair (U.S. 2,418,777). Le Clair discloses a method for manufacturing a base module for a filter cartridge wherein the base module has inlet and outlet fittings defining fluid passageways oriented at first and second angular positions relative to each other (in this case the fittings 8 and 9 are 180° apart, as shown in figure 1) and including the steps of :

- providing a communication module having inlet and outlet fittings: head cover 7 includes fittings 8 and 9;
- providing a body adapted to receive and mate with said communication module in a plurality of angular orientations to said communication module: the annular neck 14 head 2 can mate with the annular opening 5 of head cover 7 in a plurality of angular orientations;
- mating said communication module to said body at an angular orientation selected from said plurality of angular orientations: once the specific angular orientation is selected the members 2 and 7 are joined together with screws 27; and
- joining said communication module to said body: with e.g. screws 27 [as in claim 21].

Le Clair also discloses the following steps:

- providing inlet and outlet fittings that are integral to said communication module and have a fixed angular orientation thereto (shown in figure 1)[as in claim 27]; and
- providing inlet and outlet fittings that are not coaxial with the axis of the communication module: fittings 8 and 9 are not coaxial with the axis defined by conduit 12 of member 7 [as in claim 28].

***Claim Rejections - 35 USC ' 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Determining the scope and contents of the prior art.  
Ascertaining the differences between the prior art and the claims at issue.  
Resolving the level of ordinary skill in the pertinent art.  
Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janik. Claim 23 has the limitation of the step joining members 18 and 20 to comprise ultrasonic welding. Janik teaches his members 18 and 20 to be joined together e.g. by screws and for polymeric members

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18 and 50 to be joined together by sonic<sup>1</sup> welding. Since member 20 can also be made of polymeric material (col. 1, lines 52-54) and since Janik teaches that various modifications, adaptations and alternatives that may occur to one skilled in art can be made without departing from the spirit and scope of his invention (col. 4, lines 60-63), it would have been obvious to the skilled man at the time of the invention for the joining step of members 18 and 20 to be accomplished by ultrasonic welding, since Janik teaches the benefit of a "fluid tight connection" (col. 3, lines 14-17) and that the ultrasonic weld would be an obvious alternative to the screws 40.

6. Claim 22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik, as applied to claim 21 above and in further view of Schmidt (U.S. 4,452,695). Janik has been expanded above and teaches a communication module having integral, axially-extending<sup>2</sup> inlet and outlet connectors but does not teach separate inlet and outlet fittings.

However, Schmidt teaches separate inlet and outlet fittings 60 (shown in figure 3) that are mounted to and threadingly joined to threaded connectors 58 (shown in figure 1). Because of the threaded arrangement and additionally because the fittings are pivotable, the fittings can be mounted at any of a plurality of angular orientations to the communication module and can be angled differently from each other (as shown in figure 1)[as in claims 22 and 24]. Schmidt also

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<sup>1</sup> One skilled in the art would realize that the amount of sound energy necessary to weld the polymeric materials cited by Janik (in col. 3, lines 48-49) would be in the *ultrasonic* range.

<sup>2</sup> Janik's inlet and outlet fittings 27, 33 are considered to be axially-extending since they are respectively coaxially-extending with the axes defined by inlet and outlet passageways 34 and 82 as shown in figure 6. Applicant has not defined any other axis in claim 22 nor its parent claim.

teaches mounting a sealing ring 83 between the fittings and the threaded connectors 58 [as in claim 25]. It is considered that it would have been obvious to one of ordinarily skilled in the art at the time of the invention to have the fittings 60 of Schmidt in the invention Janik, since Schmidt teaches the benefits of ease of installation and pivoting of the hoses 42 as is necessary for that installation (col. 4, lines 51-53).

As for claim 26, it was explained in section 5 above, that it would have been within ordinary skill to substitute the threaded arrangement of Janik with a sonic weld for combining the communication module to the body. The examiner contends that such a modification to connect fitting part 82 to the connector 58 would also be within ordinary skill for the same reasons as above—including, e.g. to make a “fluid tight connection”.

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Le Clair. As explained in section 2 above, Janik teaches a body joined to a communication module. Additionally, it is pointed out that Janik teaches a body 12 including a mounting bracket 20 and a skirt (annular locating ring 30) [as in claims 1 and 2]. Janik does not teach the body to include a lip extending coaxially with the central opening thereof and mating with the skirt. Le Clair teaches a body 2 having a lip (the vertical portion between the leaders of reference nos. 5 and 6) that extends away from the receptacle for mating closely with a vertical portion (skirt) of the communication module 7 [as in claims 1-3]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the body of Janik to include the lip of Le Clair for mating with the skirt of Janik, since Le Clair

teaches the benefit of a configuration for joining a body to a communication module (e.g. by screws, as desired by Janik).

As for claim 10, members 12 and 18 are separately molded.

As for claim 4, both Janik and Le Clair teach rubber o-rings (grommets) positioned in the joint between elements: e.g. "109" in Janik and 25 and in Le Clair. It is considered within ordinary skill to have an o-ring in the joint between members (e.g. the lip and skirt) in order to effect a fluid tight seal.

As for claim 5, having an ultrasonic weld between the communication module and body is within ordinary skill (see section 5 above).

As for claims 6 and 7, the fittings of Janik are perpendicular to the axis defined by the module.

As for claims 8 and 9, Janik teaches fittings 27 and 33 can be located at different locations on member 18 depending upon the particular design requirements and constraints of each type of vehicle (col. 3, lines 28-30). Therefore, positioning the fittings 90° apart or 180° apart (e.g. as shown in Le Clair) is a matter of optimization and within ordinary skill.

8. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik in view of Schmidt. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Janik. Janik has been expanded above and teaches a joined communication module and body, wherein the communication module includes axial inlet and outlet conduits and extending connectors 27 and 33 and mounting bracket 20 extending from the body. Janik doesn't teach axial connectors extending away from the receptacle nor fittings connected thereto in infinite angular orientations. Schmidt teaches connectors 58 positioned on a top side of a filter head 44 and including pivotable fittings 60 [as in claims 11 and 12]. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the connectors 27 and 33 to be on the top side of member 18 and to include the pivotable fittings 60 of Schmidt since Schmidt teaches the benefits of ease of installation and pivoting of the hoses 42 as is necessary for that installation (col. 4, lines 51-53) and since Janik teaches that his fittings can be located at different locations on member 18 depending upon the particular design requirements and constraints of each type of vehicle (col. 3, lines 28-30).

As for claims 13 and 14, joining the communication module and the base or the connectors with the fittings with an ultrasonic weld is within ordinary skill, as explained above in the rejection of claim 26.

As for claims 15 and 16, the fittings of Schmidt are L-shape and include axes that are non-coaxial.

As for claim 17, the angles orientation of the fittings are within ordinary skill as explained above in the rejection of claim 8.

As for claim 18, Janik teaches enlarged connector throats that would receive the fittings of Schmidt therein. However, alternately configuring the fittings to have the enlarged throats and the connectors to fit therein would be considered an obvious design modification within ordinary skill and insufficient for patentability of the invention.

As for claim 19, adding an o-ring to provide a fluid-tight seal between members is within ordinary skill, as explained above in the rejection to claim 25.

As for claim 20, the members are separately molded.

***Response to Arguments***

9. Applicant's arguments filed 2-26-2003, with respect to the rejection of the claims have been fully considered and are persuasive. Therefore, the FINAL rejection has been withdrawn. However, upon further consideration, a new grounds of rejection have been made.

***Other Pertinent Art***

10. Applicant may wish to consider the following germane reference before amending the claims:

- Giordano et al. (U.S. 4,806,240) teaches a communication module 50 having axially extending inlet and outlet connectors with respective fittings 60, 70 that can move angularly and a body member 150 defining a receptacle to receive a filter cartridge 100.

11. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (703)305-0079 for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:00a to 4:30p, on at least four days during the week M-F.
- The group receptionist can be reached at (703)308-0661 for inquiries of a general nature or those relating to the status of this or proceeding applications.
- Wanda Walker, the examiner's supervisor, can be reached at (703)308-0457 if attempts to reach the examiner are unsuccessful.
- Fax numbers for this art unit are as follows:
  - i. (703)872-9310 for *official* faxes (i.e. faxes to be entered as part of the file history) that are not after-final; and
  - ii. (703)872-9311 if after-final.

*Examiner Terry Cecil*

TKC *AK*

March 14, 2003